

# HOUSE BILL No. 1174

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8.

**Synopsis:** Police officers' and firefighters' pensions. Allows police officers and firefighters hired after April 30, 1977, and before May 25, 1977, in certain cities and towns to elect to become members of the 1925 fund, the 1937 fund, or the 1953 fund, as appropriate. (Current law provides that those police officers and firefighters are members of the 1977 fund.)

**Effective:** Upon passage.

**Mahern**

January 6, 1999, read first time and referred to Committee on Ways and Means.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1174

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A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-8-6-1.3 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: **Sec. 1.3. (a) As used in this section, "member"**  
4       **refers to a member:**

5               **(1) of a police department in:**

6                       **(A) a second class city;**

7                       **(B) a third class city; or**

8                       **(C) a town that has established a board of metropolitan**  
9                       **police commissioners; and**

10               **(2) who was hired after April 30, 1977, and before May 25,**  
11               **1977.**

12               **(b) A city or town described in subsection (a) may adopt an**  
13               **ordinance before July 1, 1999, to allow a member to be covered by**  
14               **this chapter and not by IC 36-8-8.**

15               **(c) After December 31, 1999, a member of a police department**  
16               **described in subsection (a) in a city or town that adopts an**  
17               **ordinance under subsection (b) is covered by this chapter and not**



by IC 36-8-8 if, before September 1, 1999, the member files a written election with the board of trustees of the public employees' retirement fund to be covered by this chapter.

(d) An election made under this section is irrevocable.

SECTION 2. IC 36-8-7-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) As used in this section, "member" refers to a member:

(1) of a fire department in:

(A) a city having a population of at least one hundred ten thousand (110,000); or

(B) a city in a unit having a population of less than one hundred ten thousand (110,000) that established a 1937 fund before May 1, 1977; and

(2) who was hired after April 30, 1977, and before May 25, 1977.

(b) A city described in subsection (a) may adopt an ordinance before July 1, 1999, to allow a member to be covered by this chapter and not by IC 36-8-8.

(c) After December 31, 1999, a member of a fire department described in subsection (a) in a city that adopts an ordinance under subsection (b) is covered by this chapter and not by IC 36-8-8 if, before September 1, 1999, the member files a written election with the board of trustees of the public employees' retirement fund to be covered by this chapter.

(d) An election made under this section is irrevocable.

SECTION 3. IC 36-8-7.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.3. (a) As used in this section, "member" refers to a member:

(1) of a police department in a consolidated city; and

(2) who was hired after April 30, 1977, and before May 25, 1977.

(b) A consolidated city may adopt an ordinance before July 1, 1999, to allow a member to be covered by this chapter and not by IC 36-8-8.

(c) After December 31, 1999, a member of a police department described in subsection (a) in a consolidated city that adopts an ordinance under subsection (b) is covered by this chapter and not by IC 36-8-8 if, before September 1, 1999, the member files a written election with the board of trustees of the public employees' retirement fund to be covered by this chapter.



(d) An election made under this section is irrevocable.

SECTION 4. IC 36-8-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. After December 31, 1999, this chapter does not apply to a police officer or firefighter who meets the requirements of and files an election under any of the following statutes before September 1, 1999:

(1) IC 36-8-6-1.3.

(2) IC 36-8-7-1.5.

(3) IC 36-8-7.5-1.3.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the board of trustees of the public employees' retirement fund.

(b) As used in this SECTION, "election" refers to an election a member may make under any of the statutes listed in subsection (c).

(c) As used in this SECTION, "member" has the meaning set forth in any of the following statutes:

(1) IC 36-8-6-1.3, as added by this act.

(2) IC 36-8-7-1.5, as added by this act.

(3) IC 36-8-7.5-1.3, as added by this act.

(d) Before July 1, 1999, the board shall develop and send to each member an informational pamphlet informing the member of the election the member may make. The pamphlet:

(1) must explain the effect of making an election;

(2) must provide a form for the member to make an election; and

(3) may provide other information the board desires to provide.

(e) Before November 1, 1999, the board shall do the following:

(1) Provide to each city, town, township, or county the name of each firefighter or police officer who:

(A) is employed by the city, town, township, or county; and

(B) makes an election.

(2) Effective January 1, 2000, remove firefighters and police officers who make an election from membership in the 1977 police officers' and firefighters' pension and disability fund.

(3) Pay to the city, town, township, or county the amount of contributions that the firefighters and police officers who make an election have made to the 1977 fund.

(f) Before January 1, 2000, each city, town, township, or county that employed firefighters or police officers who make an election



- 1 shall do the following:
- 2 (1) Take the necessary actions to make firefighters or police
- 3 officers who make an election members of the 1925 police
- 4 pension fund, the 1937 firefighters' pension fund, or the 1953
- 5 police pension fund, effective January 1, 2000, as appropriate.
- 6 (2) Credit to the appropriate fund the firefighters' or police
- 7 officers' contributions received under subsection (e).
- 8 (g) A firefighter or police officer who makes an election shall be
- 9 treated as having been a member of the appropriate fund from the
- 10 date of employment for all purposes, including the calculation of
- 11 benefits and eligibility for benefits.
- 12 SECTION 6. An emergency is declared for this act.

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